

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ROHN MICHAEL WEATHERLY,	§	
Institutional ID No. 02044347	§	
	§	
Petitioner,	§	
	§	
VS.	§	Civil Action No. 4:24-cv-164-O
	§	
DIRECTOR, TDCJ-CID,	§	
	§	
Respondent.	§	

ORDER

In this 28 U.S.C. § 2254 habeas petition, Rohn Michael Weatherly, a state prisoner proceeding pro se, challenges his 2016 Tarrant County guilty plea and resultant theft conviction in Case No. 1380528D. *See Pet.*, ECF No. 1. Weatherly claims that his guilty plea was involuntary because he was never informed that he would have to register as a sex offender as a result of his conviction. In support of his claim, Weatherly cites the fact that the Texas Court of Criminal Appeals (TCCA), for the same reason, granted him habeas relief in his companion unlawful-restraint-of-a-child case, which he contends was part of the same “package” plea agreement related to his theft conviction.

Respondent filed a supplemental answer arguing that the Court should dismiss Weatherly’s petition without prejudice because he has not exhausted his state-court remedies for the precise claim that he raises here. *See Suppl. Answer*, ECF No. 35. Weatherly filed a reply, insisting that he has done so. *See Reply*, ECF No. 43.

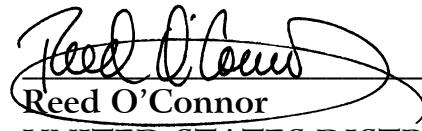
After reviewing the parties’ pleadings, relevant state-court records, and applicable law, the Court, for the reasons stated in Respondent’s supplemental answer, agrees that Weatherly has not fully and properly exhausted his state-court remedies. Specifically, as noted by Respondent,

Weatherly has not yet presented the precise factual basis for his claim to the TCCA, *i.e.*, that the TCCA's vacatur of his companion case renders his guilty plea to the theft charge involuntary. The TCCA must be afforded an opportunity review the precise factual basis of Weatherly's claim before this Court does so.

For these reasons, the Court **DISMISSES** Weatherly's § 2254 habeas petition without prejudice to his right to fully exhaust his state remedies. In other words, this order does not prohibit Weatherly from attempting to seek federal habeas relief after he has properly presented his claim to the TCCA. However, should he choose to do so, the Court expresses no opinion on the potential viability of his claims.

For the same reasons, the Court concludes that Weatherly has failed to show that jurists of reason would find it debatable whether his petition states a valid claim of the denial of a constitutional right and whether the Court is correct in its procedural ruling. The Court therefore **DENIES** a certificate of appealability. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* FED. R. APP. P. 22(b)(1); 28 U.S.C. § 2253(c).

SO ORDERED this 23rd day of October, 2024.


Reed O'Connor
UNITED STATES DISTRICT JUDGE